No. 89-1341

In The

Supreme Court of the United States

Supreme Court, U.S.
FILED
MAR 23 1990
JOSEPH F. SAPNIOL, JR.
CLERK

October Term, 1989

MARIA GRACIELA RAMIREZ,

Petitioner

vs.

TRANSAMERICAN NATURAL GAS CORPORATION and GHR ENERGY CORP., ET AL.,

Respondents.

BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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BEST AVAILABLE COPY

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Respondent, TransAmerican Natural Gas Corporation (herinafter referred to as "TransAmerican" or "Respondent"), by and through its undersigned counsel, and hereby files its Brief in Opposition to Petition for a Writ in Opposition to the United States Court of Appeals for the Fifth Circuit and would further show:

1. Respondent is unsure of what relief Petitioner, Maria Graciela Ramirez (hereinafter referred to as "Petitioner"), is requesting, but to the extent a response is necessary to protect the rights of the Respondent, Respondent opposes the granting of any damages, claims or other relief to the Petitioner.

2. The Respondent contends that the Supreme Court of the United States of America is not the Court with proper jurisdiction to hear this matter because:

A. Petitioner has successfuly pled and disposed of all claims and amounts owed by Respondent in the matter styled **In Re: TransAmerican Natural Gas Corporation, et al.**, Case Numberr 84-03474-H1-5. In that action the United States Bankruptcy Court fully allowed Petitioner's bankruptcy claim number 630-57 in the amount of $738,000.00. A copy of the Order allowing said claim is attached hereto as Exhibit "1"; and

B. Pursuant to 28 U.S.C. §158 (a) and (d), the District Courts of the United States have jurisdiction to hear appeals from final judgments of bankruptcy judges and only after a ruling from the District Court may Petitioner appeal to a higher court. A copy of the Order dismissing Petitioner's appeal is attached hereto as Exhibit "2".

3. If Petitioner files additional pleadings which clarify the relief sought, Respondent retains the right to respond accordingly.

WHEREFORE, PREMISES CONSIDERED, Respondent, TransAmerican Natural Gas Corporation prays that all relief requested by Petitioner in her Petition for a Writ in Opposition to the United States Court of Appeals for the Fifth Circuit be denied.

Respectfully submitted,
TRANSAMERICAN NATURAL GAS CORPORATION

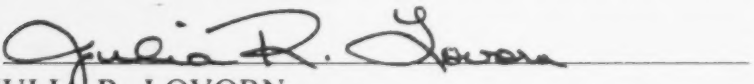
By: 

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EXHIBIT "1"

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In Re:	§	IN PROCEEDING FOR
TRANSAMERICAN NATURAL GAS	§	REORGANIZATION UNDER
CORPORATION, f/k/a/ GHR ENERGY	§	CHAPTER 11 OF THE
and GOOD HOPE REFINERIES, INC.,	§	BANKRUPTCY CODE
TRANSAMERICAN PIPELINE	§	
CORPORATION f/k/a/ GHR PIPELINE	§	CASE NOS. 84-03474-H1-5
CORPORATION and SOUTHERN PIPE	§	84-03475-H2-5
LINE CORPORATION, SOUTHERN	§	84-03476-H1-5
STATES, INC., SOUTHERN STATES	§	84-03477-H3-5
EXPLORATION, INC., LAREDO	§	84-03478-H3-5
EXPLORATION, INC., SOUTHERN	§	84-03479-H1-5
PETROLEUM TRADING COMPANY, LTD.,	§	84-03480-H1-5
TRANSAMERICAN GAS TRANSMISSION	§	84-05539-H2-11
CORPORATION, f/k/a/ GHR	§	
TRANSMISSION, CORPORATION and	§	CONSOLIDATED IN CASE
SOUTHERN GAS TRANSMISSION	§	NO. 84-03474-H1-5
COMPANY, and JRS REALTY, INC.	§	
Debtors	§	
	§	
THE GHR COMPANIES, INC., f/k/a/	§	
GOOD HOPE INDUSTRIES, INC.	§	
	§	
	§	
MARIA GRACIELA RAMIREZ,	§	CLAIM NO. 630-57
Claimant	§	

ORDER

On this day came on to be heard TransAmerican Natural Gas Corporation's (Debtor herein) Objection to Claim No. 630-57. Debtor appeared by and through Counsel, Claimant herein, Maria Graciela Ramirez, although noticed and having filed a response to said notice, wholly failed to appear. The Court considered the Objection and it is therefore:

EXHIBIT "2"

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
ENTERED

APR 04 1989

Jesse E. Clark, Clerk
By Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARIA GRACIELA RAMIREZ, Plaintiff,	§	
VS.	§	CIVIL ACTION NO. H-88-2343
TRANSAMERICAN NATURAL GAS CORPORATION AND GOOD HOPE, ENERGY CORP., ET AL., Defendants.	§	

ORDER

Pending before the Court are Defendants' Motion to Dismiss Complaint and Plaintiff's Motion for Default Judgment. The Court, having considered Defendants' motion and the record on file, is of the opinion that the Motion to Dismiss should be granted. Plaintiff's motion is thereby rendered MOOT.

It is ORDERED, ADJUDGED, and DECREED that Plaintiff's Complaint is dismissed for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted.

SIGNED this 3rd day of April, 1989.

KENNETH M. HOYT
United States District Judge

RECEIVED

APR 5 1989

Transamerica Corporation
Legal Dept.

ORDERED that Claim No. 630-57 is allowed as follows:

1. $496,164.30 as royalties due Claimant for hydrocarbon production prior to the filing of the Bankruptcy Petition herein (Pre-Petition).

2. $242,298.49 as royalties due claimant for hydrocarbon production subsequent to the filing of the Bankruptcy Petition herein (Post Petition).

All other claims made in claim No. 630-57 not expressly allowed above are disallowed.

Signed this 5 day of November, 1988.

UNITED STATES BANKRUPTCY JUDGE

FPP#3/COURTORDER
11/23/88